

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK MCCORMICK, MATTHEW LOVE,
ROBERT SNYDER, ALISON HEINTZ,
WILLIAM RICE, and MARIA STRATAKIS,
individually and on behalf of all other similarly
situated individuals,

Plaintiffs,

v.

INTERNATIONAL BUSINESS
MACHINES CORP.

Defendant.

1:21-cv-09443-LTS-SLC

ECF Case

NOTICE OF INTERNATIONAL BUSINESS MACHINES CORPORATION'S
MOTION FOR JUDGMENT ON THE PLEADINGS
AS TO ARBITRATION OPT-INS AND TO COMPEL ARBITRATION

Under Federal Rule of Civil Procedure 12(c), Defendant International Business Machines Corporation (“IBM”) moves this Court to dismiss the ADEA claims of or compel to arbitration the following 30 Opt-Ins who signed separation agreements with an individual arbitration clause and a class and collective action waiver and are thus barred from participating in this action:

Christopher Baker, William Bello, Michael G. Branson, Joseph William Campion, David Matthew Carr, Sanjiev Chattopadhyay, Steven P. Durante, Peter Gichinga, Charles Gregory, Kyle Hardy, Brian Edward Hurd, Gopalakrishnan Iyer, Joel Munson Johnson, Anatoly Kidder, Sethuraman Kuruvimalai, Kay Louise Lundquist, Thomas J. Major, Jorge Manosalva, Gregory Terry Moore, Mary Ann Moore, Herbert Pembleton, Sharon M. Saunders, Teresa Schoch, Kristen Stewart, Stefania Timpano, Shaun W. Turner, Brett D. Wells, Dulith Wijewardene, Nancy Ying, and Kathy A. Young.

IBM, through its undersigned counsel, certifies that it has used its best efforts to resolve informally this matter prior to filing this motion, as required by Judge Swain's Individual Practice A.2.b. Plaintiffs have not amended the First Amended Class and Collective Action Complaint in response to the arguments raised in this motion.

Dated: August 19, 2022
New York, New York

JONES DAY

/s/ Kristina A. Yost

Kristina A. Yost

Matthew W. Lampe

Erika D. Cagney

JONES DAY

250 Vesey Street

New York, NY 10281

mwlampe@jonesday.com

kyost@jonesday.com

ecagney@jonesday.com

Alison B. Marshall

JONES DAY

51 Louisiana Ave, N.W.

Washington, D.C. 20001

abmarshall@jonesday.com

Attorneys for Defendant

International Business Machines Corporation